

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LOUISE ROGERS TATE,

07-CV-5885
Justice Castel

Plaintiff(s),

- against -

NANA GHOSH, GOLDEN CHILD CORP., MOHD D.
FARUGUE, NEFPAKTOS, INC., WAI KWOK HA,
GOLAM MORTUJA, BECK CAB CORP,

**Response to
Plaintiff's demand
for Discovery &
Inspection**

Defendant(s).

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PLEASE TAKE NOTICE, that the defendant(s) NANA GHOSH and GOLDEN CHILD CORP. by their attorney **Marjorie E. Bornes** provides responses to the plaintiff's demand for Discovery and Inspection dated, April 4, 2008 allege(s) upon information and belief as follows:

Expert Witness Information

1. - 4. Defendant(s) has not yet retained an expert witness, but reserves the right to do so up to the time of trial. Upon retention of an expert, defendant(s) will provide all disclosure required by the federal rules and/ or the Court.

Insurance Information

5. (a – f) Defendant(s) NANA GHOSH and GOLDEN CHILD CORP. were insured by American Transit Insurance Company under policy number A203329. A copy of the declaration sheet was made available through our Rule 26(a) Disclosure dated May 9, 2008. There is no excess coverage and the affidavit as to same is attached hereto.

5g. Objection. The request is improper and beyond the scope of discovery authorized by Rule 26. As concerns the accident, we note that there is another action pending in State Court.

Statements

6. Objection to the extent that this calls for privileged statements of Defendant(s). However, defendant(s) state they do not have documents responsive to this document

Photographs/Videos

7. – 10. Defendant(s) do not have photographs, videos, or audio tapes of the vehicles involved in the accident or of Plaintiff' injuries or conditions.

Witness Information

11. – 17. Defendant(s) are unaware of any witnesses other than those listed on the police report and those disclosed by co-defendant WAI KWOK HA.

Documents

18. Defendant(s) do not have the information requested.
19. Objection to the extent that this calls for privileged information, nevertheless, Defendant(s) does not have the documents requested.
20. The request is improper and beyond the scope of discovery authorized by Rule 26.
21. - 22. There is currently also an action pending in Supreme Court, New York County; *Michael Uthoff and Cynthia Uthoff V. Golden Child Cab Corp, Nana Ghosh, Michael Cohen, Nafpaktos, Inc., Mohd Farugue, Aristidis Shismenos, Wai Kwok Ha, Beck Cab Corp., Golam Mortuja, Fred Weingarten, Time Taxi, Inc., and Spiros Spulantzios* under Index number 101721/08. In which damages are sought for injuries allegedly resulting from the same accident.
23. Defendant(s) do not have documents responsive to this request.
24. – 25. The request is improper and overly broad.
26. Not applicable.
27. See attached.
28. Defendant(s) do not have a copy of documents requested, but will provide the same if located.
29. The request is improper and overly broad.
30. Please see the answer to question 11 above.
31. Please see attached MV104 and police report.
32. The request is improper and overly broad.
33. Defendant(s) do not have copies of any “trip” sheets, but will provide them if located.
34. To the extent that this requests privileged information, it is improper. However, another action was commenced and is pending in State Court, as set forth in 21. – 22 above.
35. Improper request. We note however, the Defendant NANA GHOSH was not an “employee.”
36. – 37. The request is improper and overly broad.
38. The request is improper and overly broad. Defendant(s) are unaware of any summonses, citations, tickets, warnings, or violations being issued.
39. The request is improper and overly broad.

40. See the answer to question 9 above.

Litigation Papers

41. All papers have been exchanged with Plaintiff(s) in this action.

Surveillance Materials

42. Defendant(s) is not in possession of any surveillance materials of the vehicle involved in the accident. If such evidence is found, same will be exchanged.

Defendant(s) reserve the right to supplement any information provided herein, should any additional information become available in accordance the federal rules and/or rules of the Court.

Dated: New York, NY
May 19, 2008

Yours, etc.,

MARJORIE E. BORNES, ESQ. MB6505

Attorneys for Defendant(s)

Nana Ghosh

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TO: HECHT, KLEEGER, PINTEL & DAMASHEK

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Defendant(s).

RESPONSE TO PLAINTIFF'S DEMAND FOR DISCOVERY AND INSPECTION

MARJORIE E. BORNES, ESQ.

Attorney for Defendant(s)
Ghosh and Golden Child
330 West 34th Street - 7th Floor
New York, NY 10001
(212) 857-8252

TO:

Attorney for _____

Service of a copy of the within _____

is hereby admitted.

Dated _____

Attorneys for _____

PLEASE TAKE NOTICE

Notice of Entry

that the within is a true copy of a _____ duly entered in the office of the Clerk of the within
Court on _____, 200 .

Notice of Settlement

that an order of which the within is a true copy will be presented for settlement to the
Hon. _____, one of the Judges of the within named Court, at _____ on _____ at
A.M.

Dated _____

MARJORIE E. BORNES, ESQ.

Attorney for Defendant(s)
Ghosh and Golden Child
330 West 34th Street - 7th Floor
New York, NY 10001
212-857-8252

TO:

Attorney for _____

